MONTANA LEGISLATIVE HISTORY

Chapter 387 19 81

Bill H 90 S _____ Original bill & history / C

H. Committee on State Admin			S. Committee on Nat Resources		
Hearing Date(s)	1/12	/ C	Hearing Date(s)	3/2	/ C
Exec. Action	1/14	/ C	Exec. Action	3/2	/ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___ Yes / No

Committee _____ Report _____

Chap. Num.	Senate Bill	House Bill	Title
			sections 2-8-103, 2-15-1619, 37-19-302, 37-19-305, and 37-19-311, MCA; and providing an effective date. ....Page 657
379	418		An act to revise and clarify the law creating the Board of Pharmacists and the laws administered by the Board of Pharmacists; amending sections 2-15-1609, 37-2-101, 37-7-101, 37-7-201, 37-7-301 through 37-7-303, 37-7-311, 37-7-321, 37-7-401, 37-7-502, 50-32-101, 50-32-208, 50-32-209, and 50-32-301, MCA. ....Page 661
380		7	An act regulating the utilization of physicians' assistants; amending section 37-3-103, MCA. ....Page 673
381		74	An act to generally revise and clarify the laws relating to administrative rulemaking; to require the reporting of judicial cases to the Administrative Code Committee; amending sections 2-4-302, 2-4-305, 2-4-314, 2-4-402, and 2-4-412, MCA. ....Page 677
382		88	An act to provide a set of the Montana Code Annotated statute text and histories to each legislator at a charge of $10 and to reserve 50 sets of the Montana Code Annotated for the use of the Legislature. ....Page 680
383		96	An act to require the Department of Social and Rehabilitation Services to draft rules to specify when public assistance may be denied to a person who has transferred property fraudulently; amending section 53-2-601, MCA. ....Page 681
384		413	An act to allow a county officer who is paid on a per-day basis to be paid his per-day rate of pay for attendance at conventions, meetings, or other gatherings of public officers; amending section 7-5-2145, MCA. ....Page 681
385		545	An act amending section 7-32-4114, MCA, to allow a member of a police force and his family the right to participate in political activity and to allow members of his family to hold public office. ....Page 682
386	64		An act to provide that total disability compensation benefits will terminate when a claimant receives retirement social security benefits or when disability social security benefits are converted to retirement benefits. ....Page 682
387		90	An act to amend the Governor's energy emergency supply powers to extend an energy emergency condition to 45 days before automatic termination without legislative approval; amending section 90-4-310, MCA. ....Page 683
388		102	An act to provide statutory authority to establish a trust account for the operation, development, and maintenance of lands owned by the Department of Fish, Wildlife, and Parks; amending section 87-1-601, MCA. ....Page 684
389		110	An act setting penalties for fraudulently obtaining dangerous drugs; amending section 45-9-106, MCA. ....Page 685
390		258	An act to establish a work experience and training program to provide recipients of AFDC payments an opportunity to contribute their efforts to society in return for assistance received and to explore the feasibility of establishing such a program to include recipients of other forms of public assistance. ....Page 686
391		265	An act to provide for the creation and operation of rodent control districts; repealing sections 7-22-2201 through 7-22-2206, MCA. ....Page 688
392		299	An act to exempt a person receiving a permit for the movement of agricultural products from single trip permit fees; amending sections 61-10-107 and 61-10-144, MCA; and providing an effective date. ....Page 692
393		304	An act to clarify the qualifications that a newspaper must have in order to be eligible to bid on county printing contracts; amending section 7-5-2411, MCA. ....Page 694
394		379	An act increasing the maximum sentence for criminal violations of the Montana Securities Act and extending the time for criminal prosecutions thereunder; amending section 30-10-306, MCA. ....Page 695
395		481	An act to revise the guidelines for the State Board of Investments; and amending sections 17-6-201, 17-6-211, and 19-10-203, MCA. ....Page 695
396		573	An act amending section 19-4-802, MCA, to reduce the minimum early retirement age in the Teachers' Retirement System from 55 years to 50 years and to revise the formula for calculating the early retirement allowance. ....Page 699
397		594	An act requiring land development and use by governmental agencies to be subject to a public hearing. ....Page 700
398		80	An act to remove the bond requirement for persons who are protective payees for recipients of public assistance; amending sections 53-2-608 and 53-4-244, MCA. ....Page 700

PREFILED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 12/31/80
HEARING: 1/13
REPORT: DO PASS AS AMENDED, 1/14
2ND READING: 1/16, SUBSTITUTE MOTION, DO NOT PASS
YEAS: 79; NAYS: 13
BILL KILLED ON 2ND READING: 1/16

HB 88--VINCENT, HUENNEKENS, MARKS--TO PROVIDE A SET OF THE MONTANA CODE ANNOTATED STATUTE TEXT AND HISTORIES TO EACH LEGISLATOR....
FISCAL NOTE: REQUIRED
PREFILED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/5
HEARING: 1/12
REPORT: DO PASS, AS AMENDED 1/12
2ND READING: 1/14 YEAS: 85; NAYS: 10
3RD READING: 1/15 YEAS: 81; NAYS: 13

TRANSMITTED TO SENATE: 1/15
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/16
HEARING: 3/3
RE-REFERRED TO COMMITTEE ON FINANCE AND CLAIMS: 3/2
HEARING: 3/9
REPORT: 3/10, BE CONCURRED IN, AS AMENDED
2ND READING: 3/12, YEAS: 46; NAYS: 4
3RD READING: 3/14, YEAS: 34; NAYS: 13

RETURNED TO HOUSE WITH AMENDMENTS: 3/14
2ND READING: 4/7 YEAS: 87; NAYS: 1
ON MOTION, 4/7, RULES SUSPENDED AND PLACED ON 3RD READING.
3RD READING: 4/7 YEAS: 91; NAYS: 3

TRANSMITTED TO GOVERNOR: 4/11
ACTION: SIGNED, 4/15
CHAPTER 382

HB 89--MOORE--TO MAKE A PERSON INELIGIBLE TO RECEIVE UNEMPLOYMENT COMPENSATION BENEFITS FOR 3 MONTHS FROM DATE OF UNEMPLOYMENT....
PREFILED AND REFERRED TO COMMITTEE ON LABOR: 1/5
HEARING: 1/13
REPORT: DO NOT PASS, 1/15
REPORT: ADOPTED, 1/17
BILL KILLED: 1/17 YEAS: 82; NAYS: 8

HB 90--QUILICI--TO AMEND THE GOVERNOR'S ENERGY EMERGENCY SUPPLY POWERS....
PREFILED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/5
HEARING: 1/12
REPORT: DO PASS, 1/12
2ND READING: 1/14 YEAS: 90; NAYS: 3
3RD READING: 1/15 YEAS: 96; NAYS: 0

TRANSMITTED TO SENATE: 1/15
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 1/16
HEARING: 3/2
REPORT: 3/26, BE CONCURRED IN, AS AMENDED
2ND READING: 3/28, YEAS: 47; NAYS: 2
3RD READING: 3/30, YEAS: 39; NAYS: 9

RETURNED TO HOUSE WITH AMENDMENTS: 3/30
2ND READING: 4/8 YEAS: 91; NAYS: 1

3RD READING: 4/9 YEAS: 96; NAYS: 1

TRANSMITTED TO GOVERNOR: 4/13
ACTION: SIGNED, 4/16
CHAPTER 387

HB 91—ASAY, MC LANE, FEDA, ET AL—TO PROVIDE DEAF PERSONS WITH CERTAIN RIGHTS PRESENTLY ACCORDED TO THE BLIND.
PREFILED AND REFERRED TO COMMITTEE ON HUMAN SERVICES: 1/5
HEARING: 1/14
REPORT: DO PASS, 1/19
2ND READING: 1/21 YEAS: 94; NAYS: 0
3RD READING: 1/22 YEAS: 95; NAYS: 0

TRANSMITTED TO SENATE: 1/22
REFERRED TO COMMITTEE ON PUBLIC HEALTH: 1/23
HEARING: 3/4
REPORT: 3/6, BE CONCURRED IN, AS AMENDED
2ND READING: 3/9, BE CONCURRED IN
3RD READING: 3/12, YEAS: 50

RETURNED TO HOUSE WITH AMENDMENTS: 3/12
2ND READING: 3/18 YEAS: 91; NAYS: 1
3RD READING: 3/20 YEAS: 88; NAYS: 1

TRANSMITTED TO GOVERNOR: 3/25
ACTION: SIGNED, 3/30
CHAPTER 176

HB 92—ASAY—TO PERMIT THE DEPARTMENT OF REVENUE TO MODIFY THE PERCENTAGE MULTIPLIER USED IN CONVERTING THE MARKET VALUE OF RAILROAD PROPERTY TO TAXABLE VALUE....
FISCAL NOTE: REQUIRED
PREFILED AND REFERRED TO COMMITTEE ON TAXATION: 1/5
HEARING: 1/22
HEARING: 2/9
REPORT: DO PASS AS AMENDED, 2/12
2ND READING: 2/14 YEAS: 85; NAYS: 5
3RD READING: 2/17 YEAS: 94; NAYS: 3

TRANSMITTED TO SENATE: 2/17
REFERRED TO COMMITTEE ON TAXATION: 2/18
HEARING: 3/6
REPORT: 3/31, BE CONCURRED IN
2ND READING: 4/2, BE CONCURRED IN
3RD READING: 4/4, YEAS: 39; NAYS: 8

RETURNED TO HOUSE: 4/4
TRANSMITTED TO GOVERNOR: 4/9
ACTION: SIGNED, 4/14
CHAPTER 367

HB 93—BENNETT, KEEDY, DAILY, ET AL—PROVIDING INTEREST FOR DAMAGE RESULTING FROM INJURY TO PERSONS OR PROPERTY AND COMPUTING THE INTEREST FROM THE DATE OF THE INJURY.
PREFILED AND REFERRED TO COMMITTEE ON JUDICIARY: 1/5
HEARING: 1/14
REPORT: DO PASS AS AMENDED, 1/15
2ND READING: 1/19, YEAS: 84; NAYS: 5
3RD READING: 1/20, YEAS: 94; NAYS: 4

HOUSE BILL NO. 90

INTRODUCED BY QUILICI

BY REQUEST OF THE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE GOVERNOR'S ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY CONDITION TO 60 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT LEGISLATIVE APPROVAL; AMENDING SECTION 90-4-310, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 90-4-310, MCA, is amended to read:

"90-4-310. Energy emergency -- powers of governor. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this part:

(1) The governor with the advice of the committee may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of energy emergency, at which time all of the general and specific emergency powers further enumerated in this section shall become effective.

(2) The condition of energy emergency terminates after ~~14~~ 60 consecutive days unless extended by a declaration of the legislature by joint resolution of a continuing condition of energy emergency of a duration to be established by the legislature.

(3) The conditions of an energy emergency alternatively cease to exist upon a declaration to that effect by either of the following:

(a) the governor; or

(b) the legislature, by joint resolution if in regular or special session.

(4) In a declared state of energy emergency, the governor may, with the advice of the committee:

(a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy; provided that in so doing, the governor shall impose controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency;

(b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control;

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INTRODUCED BILL

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and

(c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states, localities, and other persons.

(5) Nothing in this part means that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this part has any continuing legal effect after the cessation of a declared state of energy emergency.

(6) Because of the emergency nature of this part, all actions authorized or required hereunder or taken pursuant to any order issued by the governor are exempted from all requirements and provisions of the Montana Environmental Policy Act of 1971, including but not limited to the requirement for environmental impact statements.

(7) Except as provided in this section, nothing in this part exempts a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order of the governor."

-End-

Representative Harper closed the hearing on House Bill 74.

Chairman Feda opened the hearing on House Bill 88.

HOUSE BILL 88 SPONSOR, REPRESENTATIVE JOHN VINCENT, introduced the bill to the committee. This bill, requested by the Legislative Council, provided one free set of the Montana Code Annotated to each newly elected and returning legislator and reserves 50 sets of the code for legislative committees. The total cost for this would be approximately $25,000. Representative Vincent said that he thought it would be less. This money for the codes would be paid out the the revolving account which funds come from the sale of codes to the public and from private companies. No money would come out of the general fund.

PROPONENTS

There were no proponents present at the hearing.

OPPONENTS

There were no opponents present at the hearing.

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker thought that is was probably not necessary to mail out copies to newly elected legislators since they would be able to pick them up during the caucus.

Representative Holiday said that she used the code books frequently during December and thought that having them earlier would be very useful.

Brief discussion followed.

Representative Vincent closed the hearing on House Bill 88.

Chairman Feda opened the hearing on House Bill 90.

HOUSE BILL 90 SPONSOR, REPRESENTATIVE QUILICI, introduced the bill to the committee. This bill, requested by the Dept. of Natural Resources and Conservation, extends the length of an energy emergency condition declared by the Governor from 14 to 60 days.

Representative Quilici explained that the present 14 days is not enough time to collect all the information needed in an emergency situation. It does not give adequate time to evaluate the effectiveness of measures taken.

PROPONENTS

DON ALLAN, Montana Petroleum Assoc., spoke in favor of House Bill 90. He gave examples of situations in the past where more time was needed to evaluate emergency steps taken.

LEO BARRY, Dept. of Natural Resources, arose in support of House Bill 90.

OPPONENTS

There were no opponents to House Bill 90.

Chairman Feda opened the hearing to questions from the committee.

There was little discussion by the committee on this bill.

Representative Quilici closed the hearing on House Bill 90.

EXECUTIVE SESSION

HOUSE BILL 90

Representative O'Connell made the motion that HB 90 DO PASS. Representative Sales seconded the motion. Question called, a vote was taken and carried unanimously that HB 90 DO PASS.

HOUSE BILL 64

Representative Spilker made a motion that HB 64 DO NOT PASS. Representative Kanduch seconded the motion. Following discussion, question being called, a vote was taken and carried unanimously that HB 64 DO NOT PASS.

HOUSE BILL 88

Representative Dussault presented amendments to the bill to the committee. A copy of the amendments is attached and is EXHIBIT 4 of the minutes.

Representative Dussault moved the amendments. Representative Sales seconded the motion. Vote carried unanimously.

Representative McBride made the motion that HB 88 DO PASS AS AMENDED. Motion was seconded by representative Kanduch. Following discussion, question called, a vote was taken and carried unanimously that House Bill 88 DO PASS AS AMENDED.

HOUSE BILL 48

Representative Sales moved that House Bill 48 DO PASS. Motion was seconded by Representative Spilker. Discussion followed. Question called, a vote was taken and carried with 16 YES and 3 NO. Representatives Pistoria, O'Connell and McBride voted NO.

HOUSE BILL 74

It was suggested by the committee that a sub-committe be set up for Administrative Code Bills. It was decided that HB 74 be put into this committee.

litigation, lack of legislative objection, and report of litigation.

HB 88 (VINCENT): This bill, requested by the Legislative Council, provides one free set of the Montana Code Annotated to each newly elected and returning legislator and reserves 50 sets of the code for legislative committees.

HB 90 (QUILICI): This bill, requested by the Department of Natural Resources and Conservation, extends the length of an energy emergency condition declared by the Governor from 14 to 60 days before it is terminated, unless the legislature continues the condition.

HSP
jim/1/12/81

CONSIDERATION OF HB 90:

AN ACT TO AMEND THE GOVERNOR'S ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY CONDITION TO 60 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT LEGISLATIVE APPROVAL

Representative Quilici, District #84, introduced HB 90. This bill increases from 14 to 60 days the time a declared energy emergency can last without calling a special session of the legislature. Fourteen days is simply not enough time to evaluate the effectiveness of measures implemented to mitigate a shortage during an energy emergency.

There were no proponents or opponents at the hearing who wished to testify.

Chairman Dover asked for questions from the committee.

Senator Brown asked Representative Quilici if polling the legislature had been discussed by his committee as an alternative. The Senators and Representatives could take care of this at home as opposed to calling a special session.

Representative Quilici said this did not come up at the committee hearing but it sounds like a good idea rather than going into speical session. The Govenor has to consult with his Legislative Energy Policy Committee before he can declare an energy emergency alert.

Chairman Dover asked Representative Quilici if he would be adverse to amending that in.

Representative Quilici said that is a good point and he would not be adverse to that.

Senator Dover said 60 days is a long time. An emergency situation could develop pretty fast.

Representative Quilici said 60 days is the maximum. If the Governor and Energy Policy Committee see the situation is critical, a special session can be called prior to the 60 days.

CONSIDERATION OF HB 398:

AN ACT TO GENERALLY REVISE THE ALTERNATIVE ENERGY GRANT PROGRAM

Representative Quilici, District #84, introduced this bill. During the interim Representative Quilici had reviewed various energy grants for the Department of Natural Resources and found that there was no checking being done by the Department of Natural Resources to see how effective these grants were. That is the purpose of this bill. It will give the legislature some oversight into the grant program.

There were no proponents or opponents to this bill.

Chairman Dover asked for questions from the committee.

Senator Etchart asked if this bill will provide for getting information out to the people who can use it.

Representative Quilici said the Department of Natural Resources will make a periodic report to the Environmental Quality Council. The Environmental Quality Council will evaluate these projects and if the information is not getting out to the public, they can ask the Department of Natural Resources to distribute the information to the public.

Senator Brown asked if the Department of Natural Resources was satisfied with this bill.

William Gosnell, Department of Natural Resources, said he had worked with Representative Quilici to amend the original bill and concurs with the amended HB 398. Previous problems with this program resulted from a staff shortage which has been corrected.

Senator Van Valkenburg said our committee previously passed SB 141 that deals with loans out of this program. We should have some oversight over these loans in addition to grants.

Representative Quilici concurs in that. If SB 141 passes through the House then loans should be included in this bill.

DISPOSITION OF HB 90: Senator Brown made a motion that Katherine Orr, Legislative Council, work on an amendment to poll the legislatur

Senator Dover asked who the members of the Legislative Energy Policy Committee were.

William Gosnell said the majority and minority leaders of each house and they each appoint one member.

Senator Etchart asked if in Senator Brown's motion he was going to consider changing the 60 consecutive days.

Senator Brown said no.

Senator Ryan does not like the polling idea. You do not have input with other legislators.

Senator Brown agrees for the most part. Maybe we should say when it is a unanimous vote of the Legislative Energy Policy Committee.

Senator Etchart agrees with Senator Ryan and with Senator Brown's suggestion for a unanimous vote of the committee.

Senator Brown suggested the committee think about the amendments suggested until our next meeting. He withdrew his motion.

Senators Hafferman, Brown, Ryan and Van Valkenburg left the meeting for a Democratic caucus.

Senator Dover said 60 days seems like a long time.

Senator Elliott said 14 days may be too short and he is in favor of amending the bill to 30 days.

William Gosnell said the report required by HB 16 is due 20 days aft the close of the month. Because of the reporting situation 45 days would be a logical time frame for the Department of Natural Resources.

Senator Elliott said when the farmers need it they can't wait 45 days. The previous problem was not a shortage but a distribution problem.

Chairman Dover said we would close the meeting since some members of the committee had to leave.

ADJOURNMENT: The meeting adjourned at 1:35 P.M.

Harold Dover

HAROLD DOVER, Chairman